

EXHIBIT 8

Deposition of Stephanie Formas

Hunters Capital, LLC v. City of Seattle

April 30, 2022



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Page 29

1 A. I don't recall, actually, any specific fires.

2 BY MR. WEAVER:

3 **Q. Do you recall any discussions on the morning of**
 4 **June 8th about any dumpsters that had been set on fire**
 5 **in the previous evenings?**

6 A. I don't recall any specific conversations on
 7 June 8th about dumpster fires.

8 **Q. So in the meeting on June 8th, at the time that**
 9 **you -- that it concluded and you left, was there a**
 10 **consensus about what should be done on the evening of**
 11 **June 8th that was different than what had been done**
 12 **before?**

13 A. I -- just to clarify, I did not leave the EOC.
 14 I was still at the EOC. But at the conclusion of the
 15 meeting, my takeaway was that SPD was -- agreed that --
 16 that events of the previous week had led to continued
 17 escalation.

18 And it was my understanding that SPD was going
 19 to look at how to operationalize a plan that individuals
 20 could march past the precinct. But there were lots of
 21 components of how to operationalize that plan safely.
 22 And so that was my recollection as that meeting ended.

23 **Q. Do you recall whether at the -- at that meeting**
 24 **that you were at, there was any discussion of moving**
 25 **materials and evidence out from the precinct in order to**

Page 30

1 **keep them in a safe place?**

2 A. I don't recall that discussion occurring at
 3 that meeting.

4 **Q. Do you recall that discussion happening at any**
 5 **other time on June 8th, that you were -- in a**
 6 **conversation that you were involved with?**

7 A. I believe, shortly after my conversation, or
 8 our conversation that we had at the larger mayor's
 9 office policy room, we -- I do recall, I believe, Chief
 10 Mahaffey and Chief Best bringing up confidential
 11 material in a subsequent conversation.

12 **Q. Okay. What was that meeting where Mr. Mahaffey**
 13 **and -- or Chief Mahaffey and Chief Best brought up that**
 14 **information?**

15 A. I believe a -- I don't recall the exact timing,
 16 but 15 to 30 minutes after the initial discussion is
 17 that we continued the conversation with Chief Best and
 18 Assistant Chief Mahaffey about SPD's initial thinking
 19 about operationalizing the plan, and that would have, I
 20 believe, included a discussion about the confidential
 21 material.

22 **Q. And by "confidential material," are you**
 23 **referring to a report from the FBI that there might be**
 24 **an attempt to burn down the East Precinct?**

25 A. No. Confidential material as in case files.

Page 31

1 As you may know, the East Precinct may -- had homicide
 2 detectives that worked out of there, violent crime
 3 detectives, and materials that could be relevant in
 4 cases.

5 **Q. Well, at some point on June 8th, were you**
 6 **involved in discussions about whether there was**
 7 **information from the FBI about whether the East Precinct**
 8 **was in danger of being burned down?**

9 A. I believe that discussion would have happened
 10 the previous day.

11 **Q. So that would have been on June 7th?**

12 A. Sunday, June 7th, yes.

13 **Q. At what point did you learn that the Seattle**
 14 **Police Department had decided to evacuate personnel from**
 15 **the East Precinct on June 8th?**

16 A. And I wouldn't necessarily use the word
 17 "evacuate." But to give you a sense of that day, in
 18 discussions with SPD, it did not come up.

19 And then in addition to, it's my recollection
 20 that I saw an SPD blotter post sometime midafternoon
 21 that said the precinct would still be staffed.

22 And in addition to that day, I was receiving
 23 updates from my team about a press conference of media
 24 availability that Chief Best was doing, and I received
 25 an update that Chief Best during this media availability

Page 32

1 was saying that SPD -- and I will never forget this --
 2 will not, quote, abandon nor evacuate the East Precinct.

3 And so it was my understanding of that day that
 4 SPD was not going to abandon nor evacuate the East
 5 Precinct.

6 However, I did visit the East Precinct that
 7 afternoon and received an update from the incident
 8 commander on-site who said that SPD would be a few
 9 blocks away.

10 And so it was my understanding from that day
 11 is, again, that SPD would not abandon nor evacuate, but
 12 they would have personnel that would be nearby, and
 13 there would actually be undercover officers too in the
 14 crowd to monitor any activity near the East Precinct.

15 **Q. Well, at some point did you learn that they**
 16 **had, in fact -- I mean, if I can't use the word**
 17 **"evacuate," emptied the personnel -- emptied the**
 18 **personnel from the East Precinct?**

19 A. As I had just testified to, it was my
 20 understanding, when we had that -- when I was at the
 21 precinct on-site, getting an update from the incident
 22 commander, is that they had -- they had personnel, I
 23 would call it, on -- right next to the precinct, as in,
 24 in the crowd, and then available to be there within a
 25 few minutes if anything were to occur.

8 (Pages 29 to 32)

Page 129

1 SFD both responded.

2 BY MR. WEAVER:

3 **Q. Okay. Your understanding is, they both**
4 **responded?**

5 A. Correct.

6 MR. WEAVER: Okay. Let me pull up -- all
7 right. Exhibit 5 should be up.
8 (Exhibit No. 5 marked.)

9 BY MR. WEAVER:

10 **Q. I'm going to ask you about the top two emails**
11 **here.**

12 A. Okay. I've read through.

13 **Q. All right. Who's Ernesto Apreza?**

14 A. He's the mayor's communications director from
15 that time.

16 **Q. You responded to Mr. Apreza on June 24th,**
17 **saying that the mayor had been going on secret missions.**

18 **Do you see that?**

19 A. I do.

20 **Q. Do you recall why you called them secret**
21 **missions?**

22 A. I don't.

23 **Q. Do you know what she was doing in these things**
24 **that you called secret missions, and why she was doing**
25 **it?**

Page 130

1 MR. CRAMER: Objection. Form.

2 A. Again, I don't recall. But as I had testified
3 earlier, it was my understanding she went once or twice,
4 not on -- not on an official visit.

5 BY MR. WEAVER:

6 **Q. Why did you not want to publicize that?**

7 A. I believe for her safety because her executive
8 protection detail would not have been with her.

9 **Q. Okay. How many times do you say that you think**
10 **she went on --**

11 A. Again --

12 **Q. -- unofficial visits?**

13 MR. CRAMER: Yeah. Sorry, Tyler. Did you
14 say official or unofficial?

15 MR. WEAVER: Unofficial.

16 A. Again, I -- I think, as I stated earlier, I
17 would defer to her. It was my recollection, it was one
18 or two, but again, I would completely defer to her on
19 that.

20 BY MR. WEAVER:

21 **Q. All right. Did you ever talk to her about what**
22 **she was doing on those visits?**

23 A. I believe that she would have just -- I believe
24 she said she rode her bike to see what was happening,
25 but that's all I recall.

Page 131

1 **Q. How were you aware of the visits that she had**
2 **taken?**

3 A. I -- I'm assuming that she told me as part
4 of -- in a meeting or something, but I don't recall the
5 exact method or when she told me.

6 MR. WEAVER: I'm about to go into a separate
7 area. Do we want to break for lunch now and come back
8 at 12:55?

9 MR. CRAMER: Sure.

10 MR. WEAVER: We'll go off the record.

11 THE VIDEOGRAPHER: We're going off the
12 record. The time now is 12:22 p.m.

13 (Recess from 12:22 p.m. to 12:58 p.m.)

14 THE VIDEOGRAPHER: We are back on the
15 record. The time now is 12:58 p.m.

16 E X A M I N A T I O N (Continuing)

17 BY MR. WEAVER:

18 **Q. Hello there. So as the person who was in**
19 **charge of making sure Mayor Durkan had the information**
20 **she needed, did you feel that she was adequately**
21 **informed on a daily basis, as far as what was going on**
22 **in the Capitol Hill area in June of 2020?**

23 MR. CRAMER: Objection. Misstates earlier
24 testimony.

25 **Go ahead.**

Page 132

1 **A. Our goal -- and I believe, Tyler, I'd mentioned**
2 **earlier that we scheduled some frequency of meetings**
3 **with cabinet-level officials to update the mayor, from**
4 **Chief Best, to Mami, to SDOT, to others.**

5 BY MR. WEAVER:

6 **Q. Was there any information that the mayor ever**
7 **asked for regarding what was going on in Capitol Hill in**
8 **June of 2020 that she was not able to get from you or**
9 **others?**

10 MR. CRAMER: Objection. Lack of foundation.
11 You can answer as to what you know about that.

12 A. I defer to the mayor on that, if there was any
13 information that she felt like she didn't need.

14 BY MR. WEAVER:

15 **Q. Well, are you aware of any requests that she**
16 **made in that time period regarding Capitol Hill that**
17 **went unanswered?**

18 A. I am not aware. But again, that's a question
19 for Mayor Durkan.

20 **Q. Well, it's actually a question I'm asking you,**
21 **but thank you for answering.**

22 **So the -- are you aware of any actions that**
23 **were taken by you or others in the mayor's office or**
24 **anybody in the executive level of the cabinet during**
25 **June of 2020 that Mayor Durkan -- actions with regard to**

33 (Pages 129 to 132)

Page 253

1 19639 at 11:16.

2 And my understanding is, this is a text you
3 sent to this group.

4 MR. WEAVER: Oh, no. No. Oh, my God. This
5 is crazy. You're frozen again. Okay. You're back on
6 for now. Let's see if we can get this -- all right.

7 BY MR. WEAVER:

8 Q. So 19639, a text you sent on February 5, 2021,
9 you say, "I've already briefed her on this. I'm not
10 sure why he needs 35 to 45 minutes of her time."

11 Do you see that?

12 A. I do.

13 Q. Do you know what you had briefed the mayor on?

14 A. I don't recall.

15 Q. You don't -- and again, I think I asked this
16 before: You don't remember this conversation, but you
17 don't -- you don't remember the details of any
18 conversation you had with Mayor Durkan about her texts
19 or her phone or how it happened?

20 A. I don't recall any specific conversations. And
21 typically, the city attorney's office would be present
22 for any specific conversations. And so I -- and I don't
23 recall those specific ones either.

24 Q. All right. Do you know if there's any notes of
25 those meetings that would have been kept anywhere?

Page 254

1 A. I don't know. I don't believe so, but I don't
2 know. I did not keep any notes.

3 Q. All right. So is it safe to say you don't have
4 any knowledge as to why her phone was reset, is that
5 correct, on July 4, 2020?

6 A. I don't believe so, other than the expert
7 report and what the expert report and -- finally
8 concludes on that.

9 Q. Other than the expert report, you don't know
10 why she -- why her phone was set to 30-day delete; is
11 that correct?

12 A. Correct.

13 Q. And other than the expert report, you don't
14 know why her iCloud was set to disable and delete; is
15 that correct?

16 A. That's correct.

17 Q. How many conversations do you think you had
18 with the mayor and the city attorneys?

19 A. I would defer to my calendar at the time in
20 2020 and 2021. I do recall that, after I came back from
21 leave, I worked for about eight months, I believe, on
22 the City's vaccination efforts, and I led that work.
23 And so that would have been most of my focus in
24 November and December of 2020 headed into the first six
25 months of 2021.

Page 255

1 MR. WEAVER: Okay. I don't have any further
2 questions, unless Shane has something.

3 MR. CRAMER: I don't. We will reserve
4 signature.

5 MR. WEAVER: All right. We'll take a
6 transcript, but we don't need the video.

7 THE VIDEOGRAPHER: We're going off the
8 record. This concludes --

9 MR. WEAVER: Yep. Thank you.

10 THE VIDEOGRAPHER: -- the deposition for
11 today. The time now is 5:08 p.m. Off the record.

12 (Deposition concluded at 5:08 p.m.)

13 (Reading and signing was requested
14 pursuant to FRCP Rule 30(e).)

15 -o0o-

Page 256

CERTIFICATE

3 STATE OF WASHINGTON
4 COUNTY OF PIERCE

6 I, Cindy M. Koch, a Certified Court Reporter in
7 and for the State of Washington, do hereby certify that
8 the foregoing transcript of the deposition of Stephanie
9 Formas, having been duly sworn, on April 30, 2022, is
10 true and accurate to the best of my knowledge, skill and
11 ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 and seal this 9th day of May, 2022.



19 CINDY M. KOCH, CCR, RPR, CRR

21 My commission expires:
22 JUNE 9, 2026